



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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Debco Realty Trust
8 Rockrimmon Road
Kingston, New Hampshire 03848

LETTER OF DEFICIENCY
WD WQE 03-02
May 2, 2003

Attn: Bruce Nadeau

Re: Site Specific Permit #WPS-5474-A
Wetlands Permit #1999-517
Lambert Subdivision,
NH Route 150 and Moulton Ridge Road, Kensington, New Hampshire
Kensington Tax Map 11, Lot 40

Dear Mr. Nadeau:

On April 23, 2003, personnel from the Department of Environmental Services ("DES") and personnel representing the Town of Kensington conducted an inspection for the above referenced property. The purpose of the inspection was to determine compliance with RSA 485-A:17, Water Management and Protection Law and NH Code of Administrative Rules Ws 415.

During the inspection, the following deficiencies were documented:

1. The construction sequence is not in accordance with the approved plans.
Specifically:
 - a. The contractor has failed to schedule work such that any construction area is stabilized within 30 days of initial disturbance.
 - b. The contractor has failed to make every effort to manage surface runoff quality, and minimize erosion and sedimentation due to construction. Siltation from the construction site is entering a perennial stream just south of the project area.
2. Temporary erosion control measures are not in place and/or maintained as required by the approved plans. Specifically:
 - a. The contractor has failed to stabilize slopes throughout the entire project area in accordance with approved plans. Specifically, station 2+00 left and right to station 28+00L and R.
 - b. Excessive sediments have accumulated in the existing wetland located at station 3+50R. Approximately 750 sq. ft. (50 ft. x 15 ft.) of the existing wetland completely filled with sediments.

NHDES Site Specific File #WPS-5474/Wetlands File #1999-517

- c. Excessive sediments have accumulated in the existing wetland/pond located at station 3+50L.
 - d. Excessive sediments have accumulated in the silt fence located at station 3+50 R.
 - e. Excessive sediments have accumulated in the silt fence located at station 5+00L along the drainage easement area.
 - f. A section of silt fence not installed in accordance with approved plans located at station 5+00L along the drainage easement area.
 - g. Excessive sediments have accumulated in all of the catch basins throughout the construction site.
 - h. Excessive sediments have accumulated upslope of all the stone check dams throughout the construction site.
- Excessive sediments have accumulated at the intersection of Hoosac Road and Moulton Ridge Road at station 28+00R.
- 3. Construction not in accordance with approved plans. Specifically,
 - a. Contractor has failed to construct the reverse slope bench and top diversion ditch along the entire slope from station 15+00 to station 20+00.
 - b. Contractor has failed to construct drainage swale on Lot 17 in accordance with approved plans.
 - 4. Wetlands permit is not posted on site in a prominent location visible to inspecting personnel in accordance with general condition #1 of the approved wetlands permit.

In response, you are requested to take the following actions:

Wetland Restoration

Retain a qualified wetland consultant to determine what remediation is necessary for the existing wetland/pond located at station 3+50L. Submit a report of such determination no later than **May 30, 2003**.

- 2. Retain a qualified wetland consultant to generate a plan which depicts existing conditions of the unauthorized wetland fill area located at station 3+50R and showing

NHDES Site Specific File #WPS-5474/Wetlands File #1999-517

the topography of the area and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.

3. Submit both the existing conditions plan, and a restoration plan no later than **May 30, 2003** for review and approval including:
 - a. A plan with dimensions for the removal of approximately 750 sq. ft. of fill in wetlands and regarding the disturbed area to original contours;
 - b. Planting plan (forested/scrub-shrub wetland species) for the stabilization of the removal area;
 - c. Equipment and methods of erosion control (silt fence, hay bales, etc.);
 - d. Construction sequence and timetable for accomplishing remediation no later than **August 30, 2003**.
4. Retain a qualified wetland consultant to supervise and execute the requests of this letter.
5. Execute the restoration plan immediately upon receipt of the restoration plan approval from the DES Wetlands Bureau.

Temporary Erosion Control Measures

6. Stabilize all of the slopes/disturbed areas that are at final grade throughout the entire project area by placing 4 inches of loam, seeding, and hay mulch, with the result of 85% to 90% vegetative cover, in accordance with approved plans by **May 30, 2003**.
7. Stabilize all of the temporarily disturbed areas with seeding and hay mulch, with the result of 85% to 90% vegetative cover, that have been disturbed for greater than 30 days by **May 9, 2003**.
8. Construct the reverse slope bench and top diversion ditch along the entire slope from station 15+00R to station 20+00R in accordance with approved plans by **May 30, 2003**.
9. Construct the drainage swale on Lot 17 in accordance with approved plans by **May 30, 2003**.
10. Remove sediments that have accumulated in the silt fence located at station 3+50R and reinstall the silt fence in accordance with approved plans by **May 9, 2003**.
1. Remove sediments that have accumulated in the silt fence located at station 5+00L along the drainage easement area and reinstall the silt fence in accordance with approved plans by **May 9, 2003**.

NHDES Site Specific File #WPS-5474/Wetlands File #1999-517

12. Install the silt fence located at station 5+00L along the drainage easement area in accordance with the approved plans by **May 9, 2003**.
13. Remove sediments that have accumulated in all of the catch basins throughout the construction site by **May 9, 2003**.
14. Remove sediments that have accumulated upslope of all of the stone check dams throughout the construction site by **May 9, 2003**.
15. Remove sediments that have accumulated at the intersection of Hoosac Road and Moulton Ridge Road by **May 9, 2003**.

Other Measures

14. In accordance with the wetlands permit general condition #1, a copy of the wetlands permit shall be posted on site during construction in a prominent location visible to inspecting personnel by **May 9, 2003**.

DES also requests that a written status report for the above-mentioned items be submitted by **May 30, 2003**. The report may be addressed as follows:

David Price, Compliance Investigator
Wetlands Bureau/Site Specific
Department of Environmental Services
360 Corporate Drive
Suite 2
Portsmouth, NH 03801

RSA 482-A, the New Hampshire Wetlands Law and RSA 485-A:17, Water Management and Protection Law were enacted to protect and preserve wetlands, surface waters and alteration of terrain activities from unregulated despoliation.

Failure to comply with RSA 482-A and RSA 485-A:17 will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property. In addition, DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules. Issuance of this letter shall not preclude further enforcement by DES.

NHDES Site Specific File #WPS-5474/Wetlands File #1999-517

Should you have any questions regarding this letter, please contact David Price at 433-6183 or e-mail him at dprice@des.state.nh.us.

Sincerely,

A handwritten signature in black ink is written over the word "COPY". The signature appears to be "Dori Wiggin".

Dori Wiggin
Coastal Supervisor
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL # 7002 2410 0001 6271 5679

cc: Rene Pelletier, Manager, Land Resources Management Program
Mark Harbaugh, DES Legal Unit
Ridge Mauck, DES Site Specific
Kensington Conservation Commission
Kensington Planning Board
Kensington Board of Selectmen
Roger Roy, P.E., Downeast Engineering